14.14 hrs.

Title: Further discussion on the Inter-State Water Disputes (Amendment) Bill moved by Shri Arjun Charan Sethi on the 24th July, 2001 (Not concluded-contd.)

MR. SPEAKER: Now, we shall take up Item No.17, Inter-State Water Disputes (Amendment) Bill. Prof. Rasa Singh Rawat to continue his speech. Prof. Rasa Singh Rawat, you have already taken 13 minutes time.

प्रो. रासा सिंह रावत (अजमेर) : मान्यवर अध्यक्ष महोदय, जैसी कि पूर्व में चर्चा चल रही थी, मैं अन्तर्राज्यिक जल-विवाद(संशोधन) विधेयक, 2001 का पुरजोर समर्थन करता हूं और स्वागत करता हूं। यह बात पूर्व में ही मैंने कह दी है।

इस संबंध में अपने अपूर्ण वक्तव्य को पूर्णता की ओर ले जाते हुए, मैं कहना चाहूंगा कि जल राट्रीय सम्पत्ति है। इसलिए आपके माध्यम से मैं सरकार से अनुरोध करना चाहता हूं कि राट्रीय जल संसाधन नीति या राट्रीय जल नीति का निर्धारण शीघ्रातिशीघ्र किया जाए, ताकि विभिन्न राज्यों के बीच में होने वाले विवादों के बारे में ध्र ाधिकरण जो निर्णय देते हैं, उनकी अनुपालना हो सके और यदि इस प्रकार से विवाद होने की स्थिति हो, तो उनको समाप्त किया जा सके।

उनका फैसला निश्चित समय के अंदर हो सके। जैसे सरकारिया आयोग बैठा था उसने केन्द्र और राज्यों के बीच मधुर संबंध स्थापित करने के लिए अंतर्राज्यीय जल ि ववाद के बारे में अपने कुछ सुझाव दिए थे। इसी संदर्भ में यह संशोधन लाया गया है। उन्होंने भारतीय संविधान के अनुच्छेद 262 के अंतर्गत अंतर्राज्यीय नदियों और नदीघाटी जल विवाद से संबंधित विवादों के न्यायिक निर्णय हेतु, सन् 1956 में जो विधेयक पारित हुआ था, उसमें संशोधन करने के सुझाव दिए थे। उसी संदर्भ में इसमें संशोधन किए जा रहे हैं।

1416 hrs. (उपाध्यक्ष महोदय पीठासीन हुए)

मान्यवर, छ: छोटे-छोटे संशोधन हैं। मैं समझता हूं कि ये बहुत महत्वपूर्ण हैं। उनमें एक अंतर्राज्यीय के स्थान पर अंतर्राज्यीय नदी जोड़ने वाली बात है। दूसरा धारा 1 और धारा 4 के अंतर्गत मूल अधिनियम में थोड़ा सा संशोधन है कि जब कोई राज्य सरकार यह समझती है कि जल विवाद के बाबत धारा 3 के आधीन कोई अनुरोध ध्र ाप्त होता है और केन्द्र सरकार की यह राय है कि जल विवाद को बातचीत से हल नहीं किया जा सकता, केन्द्र सरकार, ऐसे अनुरोध को प्राप्ति की तारीख से एक वर्ा से ज्यादा समय नहीं लेगी और उस अवधि में राजपत्र गजट नोटिफिकेशन करेगी तथा जल विवाद अधिकरण का गठन करके उसे यह फैसला सौंपेगी। इस संशोधन में अधिकरण द्वारा किए गए जो भी विवाद हैं उन्हें पुन: नहीं खोला जाएगा। पहले अगर किसी ट्रिब्यूनल के द्वारा कोई फैसला हो चुका है तो उसे रीओपन नहीं किया जाएगा और यदि केन्द्र सरकार यह समझे कि बातचीत के लिए इन राज्यों को सौंप नहीं सकते तो उसे ट्रिब्यूनल को सौंपा जाएगा। फिर धारा 5 में संशोधन है। इसमें उपधारा 2 और 3 के स्थान पर नये क्लाज़ में व्यवस्था रहेगा। फिर धारा 6 में संशोधन है। उसमें भी राजपत्र के प्रकाशन के पश्चात अधिकरण के विनिश्चय का वही ध्र ाभाव होगा, जो सुप्रीम कोर्ट के किसी आर्डर या डिग्री का होता है। ट्रिब्यूनल के निर्णय कई दफा ऐसे होते हैं, जैसे इराडी आयोग है, उसके निर्णय तो हो गए लेकिन कई राज्य सरकारें उन्हें मान नहीं रही हैं। अब यह संशोधन लाया गया है और सोच-विचार के बाद ट्रिब्यूनल को कोई फैसला सौंपा जाएगा। उसके द्वारा जो निर्णय होगा वह सुप्रीम कोर्ट के निर्णय, आदेश की तरह या डिग्री की तरह ही प्रभावकारी होगा। मैं समझता हूं कि ट्रिब्यूनल को और नदी जल विवादों को निबटाने के लिए इस प्रकार के संशोधन बहुत महत्वपूर्ण हैं।

फिर धारा 9 में संशोधन है। इसमें किसी ऐसे डाटा बैंक की अपेक्षा करना, जो उसके द्वारा प्रेाित है। केन्द्र सरकार देश की जितनी भी नदियां हैं, जो विभिन्न राज्यों में बहती हैं और एक से अधिक राज्यों में हैं, उन रीवर बेसन और नदियों के बारे में राट्रीय स्तर पर ऐसे डाटा बैंक और सूचना प्रणाली तैयार करेगी, जिसमें जल स्रोत, भूमि और कृाि के बारे में तथा उससे संबंधित वियों के संबंध में सारे डाटा सम्मिलित होंगे। जिसे स्टेट गवर्नमेंट सेंटर को भेजे या सेंट्रल गवर्नमेंट ट्रिब्यूनल को दे और जब भी आवश्यकता हो, इस प्रकार के डाटा उपलब्ध कराने की जिम्मेदारी उस डाटा बैंक के ऊपर और केन्द्र सरकार या संबंधित राज्य सरकारों की होगी। केन्द्र सरकार को राज्य सरकार द्वारा दिए गए जो डाटा हैं उन्हें सत्यापन करने का अधिकार भी होगा। उसके लिए वह कोई आदमी एपाइंट कर सकती है या किसी को काम सौंप सकती है। यह प्रावधान भी इसमें दिया गया है। इन सारी बातों से पता चलता है कि यह विधेयक वास्तव में राट्रीय जल नीति की ओर बढ़ने का महत्वपूर्ण कदम है।

1419 hrs. (श्रीमती मार्ग्रेट आल्वा पीठासीन हुईं)

अंत में मैं कहना चाहूंगा कि कितनी बड़ी बिडम्बना है कि एक तरफ देश में सूखा पड़ता है या बाढ़ के कारण अतिवृटि हो जाती है या प्राकृतिक आपदाओं का सामना करना पड़ता है और दूसरी तरफ पानी बह कर समुद्र में चला जाता है।...(व्यवधान) इस समस्या के हल के लिए सब राज्यों के मंत्री आपस में बैठ कर बात कर सकते हैं। ...(व्यवधान) मैं आपके माध्यम से सरकार से प्रार्थना करना चाहूंगा कि जल न तो किसी व्यक्ति विशेा की संपत्ति है और न किसी प्रदेश की सीमाओं के अंदर उसे बांधा जा सकता है। इसलिए बाढ़ से जान-माल को बचाने के लिए और सूखे की समस्या का हमेशा के लिए निराकरण करने के लिए नदियों के जल विवाद का यह संशोधन सर्वसम्मति से पारित करना आवश्यक है।

मैं इसका पुनः स्वागत करता हूं। जैसा मैंने प्रारम्भ में कहा कि राट्रीय जल नीति का निर्माण अभी तक नहीं हुआ है। जल नीति का निर्माण होना चाहिए। कावेरी नदी का विवाद हो, कृणा नदी का विवाद हो, सोन नदी का विवाद हो. यमुना नदी के पानी का विवाद हो, चाहे इराड़ी आयोग हो और चाहे प्रधान मंत्री की अध्यक्षता में बनने वाले ट्रिब्यूनल हों‚¦(व्यवधान)

सभापति महोदय : इस बारे में कई दूसरे मैम्बर्स बोलने वाले हैं।

प्रो. रासा सिंह रावत : चाहे बछावत ट्रिब्यूनल हो, उसने आन्ध्र प्रदेश और कर्नाटक के संदर्भ में निर्णय दिए हैं। इन सब के निर्णय क्रियान्वित किए जाएं और प्रभावी हों। धन्यवाद।

SHRI S.D.N.R. WADIYAR (MYSORE): Madam Chairman, I rise to speak on the Inter-State Water Disputes (Amendment) Bill, 2001.

Madam, the Constitution provides for settlement of Inter-State water disputes under Article 262. Article 262 of the Constitution provides that all disputes of Inter-State waters between the riparian States be barred from the purview of the Supreme Court and the Centre can appoint Tribunals to adjudicate into the Inter-State disputes.

The present amendment, to some extent, tries to incorporate certain recommendations of the Sarkaria Commission.

The manner in which the Tribunals have functioned and the fact that the implementation of the awards of the Tribunals shows that it has been a rather difficult and tedious task for the Central Government. The Sarkaria Commission made certain recommendations and the recommendations have been accepted in the Inter-State Council.

The Statement of Objects and Reasons of the proposed amendment to the Inter-State Disputes Act states that because of the time taken in setting the Tribunals, the long time taken by the tribunals to adjudicate and to give awards and the difficulties faced in their implementation have given rise to further concern and there is a need for remedial measures to address this issue.

The Objects further state that the Sarkaria Commission recommended certain amendments to the Inter-State water disputes. These recommendations *inter-alia* pertain to the adjudication of the disputes by the Tribunal in a time-bound manner to provide effective implementation of the decisions given in the disputes by setting up data banks and information system at a national level for each river-basin State. These have also been recommended in the meeting of the Inter-State Council on 28.11.1997.

The present amendment deals with the words `Inter-State'. They may be substituted by the words `Inter-State river'. This is a very welcome suggestion. I shall deal with this further.

The Cauveri Tribunal has passed an interim order prohibiting area under cultivation in Karnataka and in old Mysore region beyond what was existing, that is, 11.2 lakh hectares.

The second provision provides for in the event of a request by the State Government that there is a dispute existing and the Centre is of the opinion that there is really a dispute, it can within one year set up a Tribunal and the Tribunal shall consider all the facts and pass the award within three years.

If for some unavoidable reasons, the tribunal cannot give its decision within a period of three years, the Centre can extend the period further by another two years. If there is some unexplained provision or part of the point that has not been originally referred to the tribunal, these points can be raised within a period of three months and the same thing can be referred to the tribunal and the tribunal has the opportunity of extending it further and that shall be part of the amended Award.

But these amendments are still not going to really solve the problems or the disputes on a permanent basis. There has been a need first to specify what is the method or the rule under which the Tribunal adjudicates the Award. I feel that the Centre should follow the Helsinki rule as a method of adjudicating the water disputes. I have read a number of disputes in the United States where the inter-State disputes have been adjudicated by means of applying this Helsinki rule and they have been settled amicably to the satisfaction of all the basin States involved in the inter-State disputes that have been there.

To adjudicate upon this, there should be just, equitable and reasonable say on the usage provided to all the states. The other relevant factors that have to be considered are − geography of the basin including the particulars of the extent of the drainage, the hydrology of the basin, the climatic conditions of the region, past utilisation including existing utilisation, economic and social needs, the population dependent on water, availability of alternative sources of water, avoidance of waste, prevention of pollution, practicability of compensation as a means of adjudication to be given to the affected parties and the degree to which the need of the basin States may have to be satisfied without loss or injury to the basin States.

The manner in which the Tribunals have adjudicated the Awards leaves a lot to be desired. The manner in which the Tribunals have adjudicated the Awards, the time taken in adjudicating the Awards, the basis of adjudication, the method of adjudication and the vagueness of Awards have all been giving rise to further and fresh disputes.

Further, some Tribunals have given interim orders. These Tribunals have failed to give a final order even after a decade. The Tribunals have put restrictions on an interim order prevalent on the upper riparian States from undertaking cultivation through irrigation-connected works. As far as the ceiling on land under cultivation is concerned, the ceiling on land under cultivation is rather wrong as I feel that in Karnataka especially, river is not the only source of irrigation and there are people who use wells, tanks and other rivulets and streams which do not necessarily flow into the river and the people use this water as a means of irrigation. So, the ceiling that has been put thus causes a lot of hardship to the farmers of the particular State. These sorts of actions are very arbitrary because irrigation in old Mysore State has been dependent not only on rivers, but also − as I said − on tanks and wells.

The disputes should pertain to the river water alone and not to the groundwater. But in this instant case where I am referring to a Tribunal having passed an interim order, it bans irrigation on a whole which, I feel, is rather unfair. I feel that this amendment is too little and too late. If one analyses the manner in which the Awards have been given,

sometimes the vagueness in the Awards and sometimes the arbitrary nature of these Awards show that the Central Government at times or on many occasions behaved arbitrarily in favour of one or two or more States.

I would like to deal with the vagueness and arbitrariness of the Award by citing two important Tribunal Awards − one is an interim award and the other is the Bachawat Award. The Bachawat Award is on Krishna waters.

Madam, the Centre set up the Bachawat Tribunal to adjudicate the dispute of Krishna river water between the States of Maharashtra, Karnataka and Andhra Pradesh. The Award was gazetted on 31st May, 1976, but the Tribunal in its award termed it as Scheme `A' which was also gazetted. And accordingly, out of a total of 2,399 tmc water available in the basin of 50 per cent dependable flow, 330 tmc was treated as surplus and of the remaining total of 2060 tmc, the State of Maharashtra got 560 tmc, Karnataka got 700 tmc and Andhra Pradesh got 800 tmc. But in respect of water in excess of 2060 tmc, the share was divided as follows. Maharashtra got 35 per cent, that is, 24.5 tmc, Karnataka got 50 per cent, that is, 35 tmc and Andhra Pradesh got 15 per cent which amounts to 15 tmc. In respect of water above 2130 tmc, the distribution was made and Maharashtra got 25 per cent, Karnataka 50 per cent and Andhra Pradesh 25 per cent.

The Scheme A of the Award was gazetted as I have already stated, but the Tribunal had also drawn up Scheme B which it failed to make part of the Award as Andhra Pradesh had raised dispute regarding the proposed Krishna Valley Authority. The present dispute in Karnataka pertaining to the Krishna River water is because of the fact that Scheme B, which was supposed to be made a part of the award, was left vague or ambiguous. So, the State of Karnataka had to seek an injunction from the Supreme Court to restrain Andhra Pradesh from continuing with the execution of the projects of permanent nature to use the surplus water. Karnataka had further contended that the Tribunal had permitted Andhra Pradesh to use surplus water as a matter of temporary right until the implementation of Scheme B. However, Karnataka had planned to utilise 173 tmc water under Scheme A, that is, 119 tmc under Upper Krishna Project I, and Upper Krishna Project II envisaged use of 54 tmc. The Planning Commission had approved Upper Krishna Stage I on 27.4.1978, but Stage II is yet to get clearance.

In 1977, the Central Government in its affidavit submitted, in the case, before the Supreme Court stated that Andhra Pradesh had failed to establish that by the construction of Almatti Dam, Karnataka would be utilising more water than its share. It also pointed out that water sharing was on gross allocation of water and was not project specific. Rather strangely, the Union Government retracted from its earlier stand that Almatti and Narayanpur Dams' plans would be only on the basis of the quantity approved by the Planning Commission.

Further, Maharashtra had not objected to the height of Almatti Dam at 524.256 metres full reservoir level in 1997. A year later, it changed its stand and submitted an affidavit in the Supreme Court stating that if Almatti reservoir's height was increased to 542 metres, it would result in flooding and submerging of much of its territory. The Karnataka Government allowed Indian Institute of Science, Bangalore to conduct a study in this regard. The Study Team pointed out that no territory of Maharashtra would be flooded as a result of Almatti and Hiraji Dams.

Now, I deal with the tribunal which was set up in the year 1990 to decide upon the Cauvery water issue.

It passed an interim order where it ordered, on June 1991, an interim amount of 205 TMC of water to be provided to Tamil Nadu. Although it has been 11 years since the Tribunal passed this interim order, it is yet to give its final order on this issue. Further, the Tribunal has assumed that there is going to be a good monsoon throughout. The maximum amount of water available at the Cauvery Basin is 705 TMC. When there is full flow and when there is flood, the minimum amount of water available is 380 TMC. The Tribunal has been silent as to what would happen if the monsoon fails. Further, the Tribunal should have taken Biligundu as the point of entry into Tamil Nadu, but unfortunately, the Tribunal has taken Mettur as the point of entry to measure the amount of water flowed into Tamil Nadu. In the year 1999-2000, the flow at Biligundu was 273.18 TMC, but what was recorded at Mettur was 267.54 TMC. There was about 60 TMC water, more than what was stipulated by the Tribunal, which was allowed to flow into Tamil Nadu.

The schedule that has been drawn up in this interim order is a very tight schedule. May and June are months when monsoons can be in full flow or, sometimes, the monsoons are not there. We are not experiencing any monsoon this year. So, the schedule to be followed is rather difficult, in my opinion.

Further, Tamil Nadu has the advantage of both the South-West and North-East monsoons, but in Karnataka, we have only the possibility of South-West Monsoons to rely upon. The U.N. Development Programme reported that Tamil Nadu has wasted about 340 TMC of water.

From all these factors, the conclusion that can be drawn is that whatever awards the Tribunals have given so far, the Tribunals seem to have failed to consider various aspects, like the monsoon aspect, high flood situation, and low flood situation, in giving these awards. Many a time, the awards given seem to be vague. For instance, regarding Krishna waters, they have left the Schedule Scheme 'B'. It has not been gazetted and made part of the

award. Therefore, these awards have given rise to fresh disputes.

As all of you know, the present dispute between Andhra and Karnataka is now in the Supreme Court. According to the Constitution, Inter-State disputes are barred from the purview of the court because of the ambiguity in Scheme B of the order. Today, the matter is in the court. What is really required is a total comprehensive Bill taking into consideration all the factors. The problems that have been faced over the last 50 years in the implementation of the awards should be taken into consideration, and a comprehensive Bill should be drawn up to include all these factors.

I personally feel that a national water policy should be enunciated where there is a provision to uplink the Himalayan rivers with the peninsular rivers. I am told that there are 31 projects, and there is excess of flood in one area but there is drought in another area. So, uplinking of Himalayan rivers with peninsular rivers will definitely help in mitigating the hardships of the farmers, and also to provide drinking water to the people. Otherwise, large quantities of water go waste.

I also feel that there are certain States where pollution of water by industries is very high. These sort of States must be forced to put treatment plants to treat effluents that are going into the water so that purity of water is not affected and in no way it is polluted so that it can be used by all the people concerned.

I feel that there should be a comprehensive Bill for listing out the manner in which the Tribunals have to be constituted; the time-frame for implementing the process and, as far as possible, to prevent any further litigation. These matters should be resolved and this could only be possible through a comprehensive Bill and a National Water Policy.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Madam, Chairperson, this is a legislation on a State subject. As per the provisions of the Constitution, river water is a State subject. Now, the Centre is forced to mediate in a dispute between States in the use of river water.

Madam, Chairperson, we had passed the Water Dispute Act in 1956. Forty-five years have passed since then. But, what is the result? It is a failed law. We have not achieved anything in spite of the fact that many attempts were made to reach a consensus between the States. But we have not achieved anything. That is why, this matter was referred to the Sarkaria Commission. The Commission recommended mainly two things. One, the delay in passing an Award by the Tribunals. Two, the Award passed by the Tribunal would have the status of a Supreme Court order. This legality was given. Also, there must be a legislation to the effect that the orders or Awards passed by the Tribunal would have the same legal force as an order or judgement of the Supreme Court. Now, this Bill deals with only one of the two recommendations of the Sarkaria Commission and that is about delay in passing of the Awards. What about the second recommendation?

THE MINISTER OF WATER RESOURCES (SHRI ARJUN SETHI): The second recommendation is also included in the Bill.

SHRI VARKALA RADHAKRISHNAN : The second recommendation is about giving a legality to the order. Why has the second recommendation not included in the Bill?

MR. CHAIRMAN: The second one is also there in the Bill.

SHRI VARKALA RADHAKRISHNAN : Madam, Chairperson, I may be permitted to quote a report that appeared in the newspapers about the meeting of the National Water Commission. The meeting was convened by the hon. Prime Minister and the Chief Ministers of almost all the States attended that meeting. What was the stand taken by the then Chief Minister of Maharashtra, Shri Vasant rao Dada Patil in that meeting? He asserted that `amendments or modifications to the existing inter-State dispute Act of 1956 and to fix up a time limit for the Tribunal to decide the dispute is undesirable'. So, the then Chief Minister of Maharashtra was of the opinion that no amendments were required to the present Act. According to him, it was undesirable. That was the stand taken by the then Chief Minister of Maharashtra, Shri Vasant rao Dada Patil at the meeting of the National Water Commission Board.

The Prime Minister presided over that meeting. What exactly is the position now? The exact tenor of the contention is that politics outweigh water disputes. If the Centre is governed by a party and the State is governed by another party which is in opposition at the centre - it is because we have a multi-party system - implementing the tribunal's decision is very difficult. The Central Government will have to do some thing in the matter. That has become evident in the case of water dispute between Andhra Pradesh and Karnataka. NDA Government at the Centre is not in a position to take a decision on the Karnataka Government's demands on sharing of waters between the two States, because the NDA Government is squarely sitting there with the support that it gets from Telugu Desam Party. So, politics outweigh all other considerations. That is why we cannot take a decision in these matters. It is our failure because we could not make any decision for over forty-five years. Even filing and getting an award took more than ten years. In Cauvery waters dispute, in which the riparian States are Karnataka, Kerala, Tamil Nadu

and Pondicherry, it took 12 years to get an award. That award is not implemented even today. Why is it so? It is because of political considerations. Even among parties also there are political interests. A Chief Minister belonging to one party is governing one State, in his anxiety to expand his hold over the people, takes a decision which will be according to his interest and to the interest of the State.

In the water dispute between Karnataka and Andhra Pradesh, the riparian use of Andhra Pradesh is for a very short distance. The entire area is covered in Karnataka. So, my humble submission is that until and unless we take a firm stand irrespective of political decisions, it will not be possible to take a just and reasonable decision in water disputes.

That is why I charge the present Government because it is reluctant to bring a legislation or even make an amendment to the Water Disputes Act incorporating the recommendation of the Sarkaria Commission that the award passed by the Water Disputes Tribunal should have the effect of a Supreme Court order.

SHRI ARJUN SETHI: That provision is there.

SHRI A.C. JOS (TRICHUR): It is there. Section 4 of the amendment says that it has the effect of a decree of the Supreme Court.

SHRI VARKALA RADHAKRISHNAN : I have seen it, but my view is otherwise. Insertion of a clause here is not sufficient. I understand the position. I concede that it is there. But the Supreme Court will not accept this position. Orders passed by Supreme Court alone will be considered by them. Suppose somebody goes to the Supreme Court challenging the decision of the tribunal or files a Public Interest Litigation − any citizen can approach Supreme Court to give a declaration - that the order passed by the tribunal is of no value, the Supreme Court is not answerable to it. The Supreme Court is not held responsible for passing an order like this

So, it should have been given with an amendment in special terms that whatever be contained in the law, for the time being, any order passed by this Tribunal will be an order under the Supreme Court Act. Without that it will not get any legal validity. By merely stating in the amendments, it will not be sufficient. That is another matter.

On passing of the Statute, we may enumerate some of the pending water disputes. The Cauvery Water Dispute is there involving the States of Kerala, Tamil Nadu, Pondicherry and Karnataka. Even after 12 years, it has not been finally settled. Now, there is a review petition filed because there is a provision provided for. A review petition has been filed and it will take two to three years for an Order to be passed. The Tribunal passes only interim order. It may take 25 years if the things go on like this, for passing a final order. No decision will be taken. The Government of Tamil Nadu is very much agitated over the Government of Karnataka for not releasing water from Cauvery to the farmers of Tamil Nadu.

Then, there is Son river water disputes among Uttar Pradesh, Madhya Pradesh and Bihar. That also has not been settled so far. It is pending for a long period. Nothing has been done in this case. Recently, the hon. Prime Minister made an attempt to make a *suo motu* reference to the concerned Governments. But in that *suo motu* reference, some Governments did not send any reply. Anyhow then, representatives from Punjab, Haryana and Rajasthan attended the meeting and others did not. So, it is not possible to get a decision on such matters easily. That is our experience.

Then, there are the Ravi-Beas Water Tribunal, Upper Yamuna River Board. There was an MoU signed among the Chief Ministers of Himachal Pradesh, Haryana, Uttar Pradesh, Rajasthan and Delhi. Only an MoU was signed. How far it will be implemented and given effect to is a matter to be seen because the law enforcement is ineffective.

Then, as we all know, the Government of Karnataka is contemplating the contempt of court proceedings against the Government of Andhra Pradesh. They are taking a very hard step against the Government of Andhra Pradesh due to non-release of water to their State by them.

Then, another most important and most difficult issue in this case is Krishna Water Dispute. Though the name of the Chief Minister is Krishna, the water dispute is also, coincidentally, known as Krishna Water Dispute between Karnataka and Andhra Pradesh. Andhra Pradesh is violating the Supreme Court Order. We have the Statute and we are following that Statute but Andhra Pradesh is violating the Supreme Court Order. That is the position, as of now. Can it be enforced? Who is the law enforcing authority? They are contemplating a contempt of court proceedings against the Government of Andhra Pradesh.

So, we are helpless. Even though we passed a Statute like this, we are helpless in implementing the decision of the Tribunal. That is the bitter experience that we are now facing in Karnataka. What is then the meaning of passing this Statute? We could not enforce it. Even after 45 years, we could not enforce or implement the provisions of the Statute. The latest example is that of Karnataka, which is taking the bold step of approaching the Supreme Court for contempt of court proceedings against Andhra Pradesh. What will be the remedy then? Who can give the

remedy? Who will enforce the decision of the Tribunal? Nobody knows. Is there an implementing agency in our State? The officials − the Chief Engineers or the Secretaries of Water Resources Departments of the States concerned − are only 'a body of experts'. They cannot be the implementing authorities; they have no powers to do that. When the court is passing an order, there will be a provision for implementing the order. Now, we have no provision for implementing the order of a Tribunal. Most of the States challenge this order and disobey the order; they are not prepared to implement it because they are always influenced by political considerations available in their respective States. They will have to be with the Opposition in such matters. Justice is not the criterion there, but politics is the dominant force. So, decision-making is very difficult in States.

So, my humble submission is that having an Act alone will not solve the problem. The Maharashtra Chief Minister had opined that no purpose will be served by amending the present Act. This is his opinion. 'Undesirable' is the word he had used.

MR. CHAIRMAN : What is your opinion?

SHRI VARKALA RADHAKRISHNAN : My humble submission is that the Minister may have to bring in a legislation with provisions to implement the order of the Tribunal.

Further, a data-base bank is essential and should be made available to give the details like availability of water, the riparian area, the surrounding basins in the river, etc. All these details must be at hand. But in spite of all these, I do not think that we will be able to implement it.

With these observations, I would say that the learned Minister will bring in another legislation in the near future at least to satisfy all the Chief Ministers including the Chief Minister of Maharashtra.

With these words, I conclude. Thank you very much.

SHRI K. MALAISAMY (RAMANATHAPURAM): First of all, let me thank the Chair for the opportunity given to speak on the Inter-State Water Disputes (Amendment) Bill, 2001.

While I am happy about the opportunity given, I have got my own constraints to realise whether the time given is adequate enough and appropriate enough to make my presentation and submission. However, let me try the process of presentation as quickly as possible within the time frame given.

15.00 hrs.

Besides joining with some of the aspects which some of my colleagues have already touched, I would like to supplement a few more aspects in submitting to the Chair that this is a major and macro level problem assuming the importance of every State, touching upon every State in some form or the other. To amplify, let me remind that it is one of the *panchbhootas,* the benevolent gifts that the nature has given us, namely, the water. Not only it is one of the *panchbootas,* three-fourth of the world's geophysical territory is filled with water. Though water is in plenty, useable, potable and irrigable water is not adequate and there is big scarcity. That is why when I thought of this, I am reminded of an English poem, in which an ancient mariner marooned in the mid sea said, "Water water everywhere but not a drop to drink". That is why I said though plenty of water is available either in the sea or otherwise irrigable or useable or potable water is limited.

The rivers play a vital role in this context as already said here. Unfortunately, the geophysical feature is such that the total monsoon or rainfall period is confined to three to four months only. As a result, there is heavy flood resulting heavy damage to property, life and also causing socio-economic disaster. Almost 75 per cent of the rainfall is confined to three to four months and there will be a spate of flood during that period. On the other hand, 68 per cent of our area is dry. And, 16 per cent of the area is drought-hit like Ramanathapuram, the constituency from which I hail and represent. Thus the major area is suffering for want of water while in a few places flood is occurring. Under these circumstances, we feel that the surplus river water, which is entering into the sea, should be profitably used by interlinking rivers, diverting the west flowing rivers and joining with sea into other areas for irrigable purposes and nationalisation of the rivers. These are the policies widely advocated by many of the experts and visioneries. It is high time one should look into these aspects seriously. This august body should think of doing something at the macro level to solve this problem of scarcity of water.

We all feel proud in saying that we are Indian and that we are broad-minded. We also say that we have got a broad outlook. I would like to quote a Tamil poem: "*yaadum oore yaavaram kelir*" It means, in the universe every place is ours and everyone in the world is my own kith and kin. But in reality, it is otherwise. Our concept, perception is very much narrow-minded or self-centred. We only think of ourselves. The overall interest is over looked and the national interest is neglected. When we feel pleasure, it should be the pleasure of everyone. When we feel pain, it should be shared. If one Indian is suffering, the other should also feel and share his sufferings. But in reality if I get into pleasure, I myself want to enjoy. My colleague from Karnataka who has just now spoken, appealled to take

care of the interest of Karnataka even at the expense of T.N. On the other hand, my colleague from Kerala has rightly said how great injustice has been done to Tamil Nadu just because its disadvantageous geophysical location in sharing river water.

You should have an overall perspective of the national interest. In this situation, I want to appeal that our approach should be really broad-minded and our outlook should also be broader.

Coming to the Bill, I very much like to support it. While endorsing the views of Shri Radhakrishnan to the effect that though it is on law, but has not been implemented. As far as Cauvery issue is concerned, for the last 11 years, we are driver from pillar to post. After so many years the Tribunal was able to pass only an interim order. Even that interim order could not be implemented. On many occasions, the Tamil Nadu farmers have to starve for water. The Tribunal has given an interim award that during such and such period, such and such quantity of water should flow. But in reality, it was not done. The law is there but unfortunately, it was not be implemented. Shri Radhakrishnan observations strengthens the case of Tamil Nadu. I thank him for that. My colleague from Karnataka who just now made his speech was saying that Tamil Nadu has drawn more water. I may tell him that it is not so. On the other hand, what has to be given to Tamil Nadu has not been given because the interim order has not been implemented in full. That is what I am trying to say.

Madam, Chairperson coming to the Bill, I agree that some attempt has been made by fixing the time frame for adjudication. It is very good. Instead of dragging the matter for years, a time frame has to be fixed. The Tribunal should give its adjudication and Award within a time limit. On that point I fully support it. Not only that, tribunal should find a workable devise and should give directions in such a way that the Award given could be implemented. An attempt in that direction has been made in this Bill based on the recommendation of Sarkaria Commission.

As far as the Bill is concerned, there are yet other good things. But how are you going to effectively implement it? This is a moot question. Shri Radhakrishnan also raised this question. You must find out a suitable mechanism and make an in-depth study to see how it could be done. You may consider whether it should be done administratively, politically or through consensus. But once an award is given it should be implemented effectively.

While I am supporting many aspects of this Amendment Bill, I have got my reservations in regard to clause 9A (2) which reads as follows:

> "The Central Government shall have powers to verify the data supplied by the State Government, and appoint any person or persons for the purpose and take such measures as it may consider necessary. The person or persons so appointed shall have the powers to summon such records and information from the concerned State Government as are considered necessary to discharge their functions under this section. "

Under this clause it you contemplates that the central Government can have the powers to verify the data supplied by the State Governments. As you know, water flow is dynamic in nature and it will not stagnate. If I take a data that such and such cusecs of water have passed through a point on a particular time and date, how can it be verified that particular data on a later date? It is impracticable and not feasible. In such a situation, how could you introduce a clause saying that you can verify the data which is given by the State Government? You cannot verify it in practice. On the other hand, all these years the data given by the State Government has been accepted. If the Tribunal has got some reason or reservation that the data given by the State Government cannot be relied upon, then the Tribunal has got the power just like any other court by way of summoning witnesses examining documents and analysing evidences.

The Tribunal can call for any document; you can examine the data in whatever form you want; you can analyse the data in whichever way it likes. When that power is already there why do you introduce a provision as 9(a)(2) which is superfluous and unimplementable.

Secondly, this is a new insertion beyond the recommendation of the Sarkaria Commission. You have followed all the conditions of the Sarkaria Commission verbatim and that is understandable. Why you have brought out a new insertion which is not at all warranted. It is neither envisaged by the Sarkaria Commission nor useful in any way. This is a superfluous clause without any purpose. If at all you introduce a new clause, it should be useful also. Therefore, kindly think over very seriously whether clause 9A(2) will be of any use except to have a super say by the central government over State Government. All along the data given by the State Government have been accepted. Thisd has been the age old practice.

Finally, while I support the other clauses of the Bill, I would plead that clause 9A(2) may be deleted. Secondly, as rightly said by Shri Varkala Radhakrishnan, some serious thought should be given as to how the award given by the Tribunal could be implemented by evolving a proper device or mechanism in practice.

श्री श्यामाचरण शुक्ल (महासमुन्द) : माननीय सभापति जी, बहुत दिनों के बाद कोई कानून वाटर डिसप्यूट्स को ठीक करने और सही रास्ते पर लाने के लिए बनाया गया है जो एक अच्छा कदम है लेकिन इसमें पूरी तरह से और भी सुधार करने की जरूरत है। कुछ बातों की कोई जरूरत नहीं है, जैसे कि सैक्शन-एक में कहा गया है, an amendment has been sought to be made saying that the words `inter-State"" shall be substituted by the words `inter-State river."" But I feel that the previous nomenclature was much better. If you restrict it to only inter-State river disputes, it will create more complications. There are many river basins where disputes may arise because of submersion of land. The river may not be an inter-State river. But on the borders, if one State builds a dam, some land of the other State may also get submerged. So, the previous nomenclature was better. In fact, the amendment which is now sought to be made creates more complications. Therefore, I suggest that the hon. Minister may drop this amendment. Inter-State water dispute has been defined very well in the original Act where it is said that:

> "Inter-State water dispute means any dispute or difference between two or more State Governments with respect to use, distribution or control of water or in any inter-State river or river valley."

Therefore, it is already there. There is no need to bring this amendment at all.

There is a welcome feature in this Act that according to Sarkaria Commission""s recommendations, a time-limit is sought to be imposed on tribunals so that they do not keep on dragging the disputes for years and years. The amendment is not very explicit. Clause 3 is for introducing an amendment to section 4 of the principal Act.

> "When any request under section 3 is received from any State Government in respect of any water dispute and the Central Government is of opinion that the water dispute cannot be settled by negotiations, the Central Government shall, within a period not exceeding one year from the date of receipt of such request, by notification in the Official Gazette, constitute a Water disputes Tribunal."

The Central Government should not take more than six months to appoint a Tribunal. One year is too long a period.

Now, I will give you an example of the former State of Madhya Pradesh and now the State of Chattisgarh. Indrawati river is coming from Orissa and flowing into Chattisgarh. Before it enters rthe old Madhya Pradesh and the present Chattisgarh, − I do not know whether it is deliberate or not − the majority of the river water is being diverted into Johda *Nullah* so much so that almost 90 per cent of the Indrawati river water is going into a different valley. The water which was coming into Chattisgarh was to generate power in Bhod Ghat project and two or three projects down the stream. If all the water goes into another valley thus diverted, it would not be good. The Orissa Government says that it is being diverted inadvertently and it is not their own doing. The banks have been denuded.

उसमें कटाव हो गया है। इसलिये उसका सारा पानी जौहड़ा नाले में जा रहा है लेकिन इतना जरूर है कि गर्मी में पानी सूख जाता है और इन्द्रावती नदी में पानी नहीं रहता। इसलिये नीचे के सैंकड़ों गावों में डिस्चार्ज का पानी नहीं रहता। इसके बारे में ट्रिब्यूनल को फैसला लेना चाहिये। ऐसे डिस्प्यूट्स के लिये एक साल के लिये ट्रिब्यूनल का अपाइंटमेंट किया जाना, मैं समझता हूं कि बहुत देरी है। मैं जानता हूं कि सरकार के पास बहुत से काम हैं, बहुत सी जिम्मेदारियां हैं। फिर भी किसी भी डिस्प्यूट के लिये ट्रिब्यूनल की नियुक्ति के लिये एक साल लगना बहुत देरी है। मैं तो समझता हूं कि यह 6 महीने के लिये या 3 महीने में हो तो जल्दी फैसले से राहत मिलेगी।

इसके बाद सरकारिया कमीशन के हिसाब से आपने समय निर्धारित किया है। ऐसा क्लाज़ 4, सैक्शन 5 में लिखा है तथा सैक्शन 2 और 3 में आपने सब्स्टीट्यूट किया हैः

> "The Tribunal shall investigate the matters referred to it and forward to the Central Government a report setting out the facts as found by it and giving its decision on the matters referred to it within a period of three years. "

Now, why not make it two years? In the modern age, where everything is moving so fast, इसलिये डैवलेपमेंट होता है, इतने काम होते हैं, जल्दी फैसले की जरूरत रहती है तो ट्रिब्यूनल को तीन साल के लिये लाने की क्या जरूरत है? यदि कोई डिस्प्यूट है, उसे एक्सपीडिशियसली निपटाया जाये, सारे ऐविडेंस बुलाये जायें और लोग उसे सीरियसली लें, डिलेंइग टैक्टिक्स अडाप्ट न करें। किसी जगह के डेवलेपमेंट रूके रहने के लिये दो साल बहुत होते हैं।

इसलिये मैं मंत्री महोदय से अनुरोध करूंगा कि यह समय अवधि तीन साल की बजाय दो साल कर दी जाये। Further it says:

> "Provided that if the decision cannot be given for unavoidable reasons, within a period of three years "

Here, it should be made two years instead of three years.

> "â€¦the Central Government may extend the period for a further period not exceeding two years."

Now, why two years? At least, you may make it as one year or if not, six months.

उसको कम से कम एक साल कर दिया जाये या 6 महीने कर दें तो और अच्छा होगा। ट्रिब्यूनल ने यह कहा हैः

> "If, upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is neededâ€¦ "

उसके लिये आपने ट्रिब्यूनल को फिर एक साल के लिये मौका दिया है। मैं समझता हूं कि 6 महीने का मौका दिया जाना चाहिये। इसमें सफाई देनी है, एक्सप्लेनेशन देनी है, उसके लिये एक साल न देकर 6 महीने कर दिया जाये। इसके बाद क्लाज 5, सैक्शन 6 में अमेंडमेंट के लिये जो प्रोवीजन किये हैं, ये बहुत अच्छे हैं।

> "The decision of the Tribunal, after its publication in the Official Gazette by the Central Government under sub-section (1), shall have the same force as an order or decree of the Supreme Court."

यह बहुत ही बढ़िया अमेंडमेंट किया गया है। श्री राधाकृणन् जी कह रहे थे जिसके लिये मैं समझता हूं कि यह प्रावधान पर्याप्त है, काफी है। यदि इसमें सुप्रीम कोर्ट एक्ट के अनुसार प्रवधान किया जाये है उसकी जरूरत नहीं है,

क्योंकि लोक सभा एक सॉवरेन बॉडी है। हम जिस कानून को पास करते हैं, सुप्रीम कोर्ट को उसे मानना पड़ेगा और उसे इम्पलीमैन्ट करना पड़ेगा। इसलिए यह प्रावधान जिस तरह से किया गया है, वह बहुत अच्छा है, लेकिन इसमें और भी सुधार की जरूरत है। इसमें सुप्रीम कोर्ट को और भी पावर्स देने की जरूरत है। मैं मंत्री महोदय से कहूंगा कि बहुत से ऐसे मामले होते हैं जिनमें कुछ नये फैक्टर्स आ जाते हैं, जो कि पहले से नहीं आये होते हैं या ध्यान में नहीं लाये जाते हैं या किन्हीं कारणों से नहीं आते हैं तो उनमें सुप्रीम कोर्ट के इन्टरवैन्शन की जरूरत होती है।

1521 hrs. (श्री देवेन्द्र प्रसाद यादव पीठासीन हुए)

जब आप सुप्रीम कोर्ट के तहत आर्डर कर रहे हैं, तो सुप्रीम कोर्ट को रिव्यू करने की अथॉरिटी भी दीजिए। बहुत से झगड़े जो आज कल कर्नाटक और तमिलनाडु के बीच में ट्रिब्युनल एवार्ड के चल रहे हैं, मुझे लगता है कि अगर उसमें सुप्रीम कोर्ट के रिव्यू का प्रोवीजन कर देंगे तो जो मामले 12-12, 15-15 वर्ा से नहीं निपट रहे हैं, उनका सुप्रीम कोर्ट से फैसला कराया जाए, इसमें हमें यह प्रोविजन करना चाहिए।

सभापति महोदय, मैं इसके लिए एक उदाहरण देना चाहता हूं। नर्मदा के झगड़े में गुजरात और मध्य प्रदेश के बीच में ट्रिब्युनल का एवार्ड 1977 में दिया गया। उस समय साइंटिफिक डेटा नहीं था कि नर्मदा में टोटल पानी कितना है। केवल अंदाज से कितना पानी बरसता है, रेनफॉल इतना है और कैचमैन्ट एरिया के हिसाब से उन्होंने लगभग 18 मिलियन एकड़ फीट का अंदाजा लगा लिया। उसके अनुसार जो जरुरत है और जितना पानी मिलना चाहिए, न्याय के हिसाब से उन्होंने पानी का उतना प्रोपोर्शन फिक्स कर दिया कि इतना राजस्थान को मिलेगा, मध्य प्रदेश को मिलेगा, महाराट्र को मिलेगा या गुजरात को मिलेगा। हम उस पर डिस्प्यूट नहीं करना चाहते, वह ठीक नहीं है, लेकिन जो पिछले चालीस वर्ा से गेजिंग सैन्ट्रल वाटर कमीशन ने की है कि नर्मदा का पानी लगभग 23 मिलियन एकड़ फीट से ज्यादा नहीं है, जो फार्मूला ट्रिब्युनल ने दिया है कि किस प्रोपोर्शन में पानी मिलेगा, यदि किसी साल में पानी कम होता है तो पानी का हिस्सा उसी प्रोपोर्शन में विभिन्न राज्यों में कम हो जायेगा। उसमें हर एक राज्य को पानी के उपयोग करने के अधिकार का प्राविजन किया हुआ है। हम जानते हैं कि गुजरात के लोग बहुत देशभक्त हैं। उन्होने आजादी की लड़ाई में जबरदस्त हिस्सा लिया है। अगर राट्रीय हित में उन्हें लगता है कि 23 मिलियन एकड़ फीट का प्रोपोर्शन जो उनके हिस्से में आता है, उसके लिए जैसा हमारे इंजीनियर्स का कहना है, मैने उनसे जानकारी ली है कि सरदार सरोवर डैम की 436 फीट की ऊंचाई गुजरात को अपना हिस्सा लेने के लिए जरूरी है, अगर वह 28 मिलियन एकड़ फीट है, ट्रिब्युनल का एवार्ड मैंने पढ़ा है, जो ऊंचाई चार सौ के ऊपर रखी गई है, यह गुजरात के हिस्से का पानी लेने के लिए 436 फीट काफी है, लेकिन ट्रिब्युनल के एवार्ड में लिखा है कि अगर मध्य प्रदेश अपनी पावर नहीं लेना चाहता है और हाइट कम करना चाहता है तो उसकी ऊंचाई 436 फीट हो सकती है। यह बात एवार्ड में है। लेकिन अगर 436 फीट की ऊंचाई 28 मिलियन एकड़ फीट गुजरात के लिए काफी थी तो 23 मिलियन एकड़ फीट पानी जब कम हो गया तो 392 फीट उसकी ऊंचाई करने से उसे पानी मिल सकता है, ऐसा इंजीनियर्स का कहना है। उससे करीब-करीब पूरी की पूरी डूब बच जायेगी, यदि इसकी ऊंचाई घटाकर 393 फीट कर दी जाती है। आप इसे 394 फीट करिये। इसके लिए गुजरात के लोगों को समझाया जाए कि इस पर कोई हल्ला नहीं मचायेगा, क्योंकि उन्हें उनके हिस्से का पूरा पानी मिलता रहेगा। उन्हें कोई दिक्कत नहीं होगी। इसके साथ ही साथ मेघा पाटकर तथा तमाम लोग जो डूब के गावों के बारे में आन्दोलन कर रहे हैं, उनकी कोई जरूरत नहीं रह जायेगी, क्योंकि जब डूब नहीं होगी तो उसकी जरूरत भी नहीं रह जायेगी। इससे बहुत सारी डूब अवॉइड हो सकती है। मैने किसी देश में नहीं सुनाâ€¦(व्यवधान)

भारी उद्योग और लोक उद्यम मंत्रालय में राज्य मंत्री (डॉ. वल्लभभाई कठीरिया) : सभापति महोदय, यह आउट ऑफ सब्जैक्ट बात कर रहे हैं। हमारी आपत्ति यह है कि सुप्रीम कोर्ट ने जो आदेश दिया है, उसमें अननैसेसरी ऐसा करने की जरूरत नहीं है।

श्री श्यामाचरण शुक्ल : मेरी बात सुनिये।â€¦(व्यवधान)

SHRI A.C. JOS : Why is it not related? ...(*Interruptions*) It is related ...(*Interruptions*) He is talking about Narmada. ...(*Interruptions*) It is a related subject. ...(*Interruptions*) Unnecessarily he is interfering. ...(*Interruptions*) He is talking in favour of Gujarat people. ...(*Interruptions*)

डॉ. वल्लभभाई कठीरिया : सुप्रीम कोर्ट ने इस पर आदेश दे दिया है, इस पर नहीं बोलना चाहिए। â€¦(व्यवधान)

सभापति महोदय : आपको चेयर का आदेश नहीं है, आप बैठ जाइए।

श्री श्यामाचरण शुक्ल : मैं यह कह रहा हूं कि हमारी सुप्रीम कोर्ट को रेव्यू करने के लिए नए फैक्टर्स अगर आ जाएं तो उसकी गुंजाइश आपको देनी चाहिए। हम

नहीं कहते कि हम जो कह रहे हैं सही बात है, इंजीनियर्स की तरफ से लें। किसी सभ्य समाज में, किसी सभ्य देश में ऐसा नहीं होगा कि पानी नहीं है और आप ऊंचा बांध बांधकर लोगों को डुबा रहे हैं। गुजरात के लिए जितना पानी चाहिए उतनी ऊंचाई आप 392 फीट रख सकते हैं। गुजरात के लोग हमेशा राद्रहित में बात करना जानते हैं, देश की आज़ादी की लड़ाई में उनका योगदान रहा है। इसलिए गुजरात के लोगों को सही बात बताई जाए तो कभी वहां पर हल्ला नहीं किया जाएगा और नर्मदा में जो पानी डूब रहा है, जो वैली ऑफ सॉरो बन रही है उसे बचाना तभी संभव है जब सुप्रीम कोर्ट का इसमें कुछ रोल हो। फाइनल ट्रिब्यूनल अवाड्र्ज होते हैं, उनमें भी विशेा परिस्थितियों में रेव्यू करने के लिए सुप्रीम कोर्ट के अधिकार का प्रावधान हमें इसमें करना चाहिए।

मैं मंत्री महोदय से दर्ख्वास्त करूंगा कि इसमें अपनी तरफ से अमेन्डमेंट लाएं और सुप्रीम कोर्ट का ट्रिब्यूनल के अवार्ड में कुछ काम रहे, यह अमेन्डमेंट आप ऐक्ट में कर दीजिए तो हमारे देश में बहुत सारे जो झगड़े होते हैं, उन झगड़ों को हल करने की गुंजाइश हो जाएगी और कर्नाटक और तमिलनाडु में 12-15 वार्ों से जो झगड़ा चल रहा है, उनको खत्म करने की गुंजाइश हो जाएगी। मैं आशा करता हूं कि मंत्री महोदय मेरी बातों पर ध्यानपूर्वक विचार करेंगे।

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, सरकार ने दावा किया है कि इस संशोधन विधेयक को लाने से अंतर्राज्यीय जल विवाद का समाधान हो जाएगा। हम जानते हैं कि दुनिया में दो-तिहाई पानी है और एक तिहाई जमीन है। लेकिन उस पानी में 97 प्रतिशत पानी खारा पानी है और केवल तीन प्रतिशत ही मीठा पानी है। उस तीन प्रतिशत मीठे पानी के लिए दुनिया के इतिहास में जो लड़ाई हुई हैं, उसमें अब तक जितना पानी बह गया, उससे ज्यादा खून बहा है। मतलब यह कि पानी अहम सवाल है जो राज्यों के बीच, समुदायों के बीच और देशों के बीच में लड़ाई का विाय हो जाता है। हमारा पहला सवाल माननीय मंत्री महोदय और सरकार से यह है कि सरकारिया कमीशन की रिपोर्ट के मुताबिक इन्होंने दावा किया है कि अनेक राज्यों के बीच में जो जल-विवाद से संबंधित अनुशंसाएं हैं उनके मुताबिक हम विधेयक लाए हैं और इसका समाधान करेंगे लेकिन अंतर्राट्रीय नदियों का जो विवाद है और उससे जो बरबादी होती है उसके लिए आपने क्या उपाय किया है? जब दो राज्यों के बीच के मामले समझने में और सुलझाने में ये सक्षम नहीं हैं तो दूसरे देश से जो नदियां आ रही हैं और उनसे जो बरबादी हो रही है, उसके राइपेरियन राइट्स का क्या होगा, इसका क्या कानून होगा। नेपाल से नदियां चलती हैं और उत्तर प्रदेश, बिहार, बंगाल को बरबाद करती हैं। अंतर्राट्रीय नदियों से जो बरबादी होती है, जैसे, उदाहरणस्वरूप बागमती में ऊपर गढ़मइया और नुन्थर में एक जगह बैराज बना दिया, उस जगह डैम बना दिया।

जब गर्मी के दिनों में पानी की जरूरत होती है, तो वे पानी नीचे ही रोक देते हैं और कहते हैं कि नदी सूख गईं। लेकिन बरसात के दिनों में पानी इधर छोड़ देते हैं, जिसके कारण हमारे यहां कई गांव और जमीन नट हो जाती है। जिस समय पानी की जरूरत है उस समय तो वे पानी रोक देते हैं और जब हमारे यहां बरसात के दिनों में पानी आ जाता है तो वे और पानी छोड़ देते हैं, जिसके कारण यहां बाढ़ आती है। इसके बारे में आपका क्या कानून है और भारत ने नेपाल के साथ इस सम्बन्ध में क्या समझौता किया है। ये तमाम नदियां कर्नाली, बागमती, नूंथर, बगाह, कोसी, कमला बगान, भूतही, दियारा समूह की नदियां हमारे क्षेत्र में तबाही मचा देती हैं।

सभापति महोदय : अभी तीन बजकर तीस मिनट होने वाले हैं और सदन में प्राइवेट मेम्बर्स बिजनेस शुरू होने वाला है। इस बिल पर केवल दो माननीय सदस्यों को ही बोलना है, अगर सदन की इजाजत हो तो उनको अभी मौका दे दिया जाए।

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Mr. Chairman, Sir, this is a sensitive Bill. Let him continue next time and we can now take up Private Members' Business.

SHRI A.C. JOS : Mr. Chairman, Sir, now it is 3.30 p.m. Let us start Private Members' Business. Let Dr. Raghuvansh Prasad Singh continue next time.

SHRI PRIYA RANJAN DASMUNSI : Sir, hon. Members from Tamil Nadu also want to participate in the debate on this very important Bill. If you want to close and gag everybody's voice, they will not be able to contribute to the debate. So, let us continue the debate on this Bill on Monday and we can now take up Private Members' Business.

SHRI A.C. JOS : Sir, this Bill has far-reaching implications. Let him continue on Monday. Now, let us take up Private Members' Business.

सभापति महोदय : सदन जैसा चाहे वैसा ही होगा। रघुवंश प्रसाद जी अपना भााण जारी रखेंगे। अब हम प्राइवेट मेम्बर्स बिजनेस शुरू करते हैं।